



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 3, 2020

Mr. Robert Brock
2912 State St
Butte, MT 59701

RE: Request Number: EPA-HQ-2020-003560

Dear Mr. Brock,

This letter concerns the above referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA) Freedom of Information Office, in which you are seeking a complete version of the document "Pre-Referral Negotiation Procedures for CERCLA Judicial Enforcement Cases, Sept. 30, 2015." You also requested any documents referenced in the memorandum on EPA's Intranet sites, specifically Pre-Referral Negotiation Procedures for CERCLA Judicial Enforcement Cases, Sept. 30, 2015, Appendix A and on the PRN Procedures for CERCLA Judicial Cases.

The Agency has concluded its search for records responsive to your request. The EPA is withholding all records in full. The records are being withheld pursuant to 5 U.S.C. § 552(b)(5), the Attorney Client Privilege and the Attorney Work Product Privilege exemptions. The document you requested was signed and issued by Cyndy Mackey on September 30, 2015 and is marked "Attorney-Client and Attorney Work Product Privileged and Confidential." The documents are exempt from disclosure because they are confidential communications between an agency attorney and client concerning legal advice and are prepared by, or at the direction of, an attorney in contemplation of litigation. The documents you are requesting from the Agency intranet is an internal EPA system available only to Agency's employees. External people do not have access to the information on the Agency's intranet sites.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your

email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

If you have any questions concerning this response, please contact Antoinette Powell Dickson of my staff at 202-564-5136.

Sincerely,

Kenneth W. Patterson

Kenneth Patterson, Director
Regional Support Division
Office of Site Remediation Enforcement